

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:)	
)	
KATHRYN RAMONA ESQUIBEL,)	Case No. 17-10498-j7
)	
Debtor.)	Adversary No. 17-1044-j
)	
)	MOTION TO DISMISS COMPLAINT
UNITED STATES TRUSTEE,)	UNDER 11 U.S.C. § 727
)	
Plaintiff,)	
)	
v.)	
)	
KATHRYN RAMONA ESQUIBEL,)	
)	
Defendant.)	

MOTION TO DISMISS COMPLAINT UNDER 11 U.S.C. § 727

The United States Trustee for the District of New Mexico hereby moves the Court for dismissal of the complaint filed in this adversary proceeding, and as grounds the United States Trustee states the following:

1. The complaint in the above-styled case was timely filed on June 2, 2017 and subsequently amended on June 5, 2017. (Docs. 1 and 2).
2. An Answer to the Complaint was filed on June 29, 2017. (Doc. 5).
3. On September 21, 2020 a Status Conference was held at which the parties announced the possibility of a resolution of matters in controversy in the adversary proceeding if the Debtor complies with certain terms of settlement. The Court granted the parties additional time to determine if the Debtor complied with settlement terms that could result in a dismissal of the adversary proceeding. Additional time was also granted to allow the Ch. 7 Trustee to make

an accounting of the estate. The Court continued the Status Conference until November 19, 2020, and subsequently to November 23, 2020, with the following notation in its Order:

Note: if a motion to dismiss this adversary proceeding is filed in this adversary proceeding, and a 21-day notice of the deadline to object to the motion to dismiss is filed in bankruptcy case No. 17-10498-j7 and served on all creditors and parties in interest in the bankruptcy case prior to the scheduled status conference, the Court will vacate the status conference. (Doc. 38).

4. On November 18, 2020, the Ch. 7 Trustee reported the Debtor had substantially complied with her obligations to resolve the adversary proceeding.

WHEREFORE, Plaintiff moves the Court for relief as follows:

That the Court:

- a. enter an order dismissing this adversary proceeding;
- b. enter an order vacating the scheduled Status Conference scheduled on November 23, 2020; and
- c. for such other and further relief as the Court deems appropriate.

Respectfully submitted,

ILENE J. LASHINSKY
United States Trustee

/s/Jaime A. Pena
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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2020, a true and correct copy of the Motion to Dismiss Complaint was electronically filed with the Court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.

/s/Jaime A. Pena

Jaime A. Pena

Trial Attorney

Office of the U.S. Trustee